



## STAFF REPORT

**TO:** City Council

**AGENDA DATE:** March 17, 2015

**FROM:** Jana Fox, Associate Planner

**SUBJECT:** Expedited Annexation (ANX 2014-0008)

**ACTIONS:** Annexation to the City of Beaverton of a portion of three parcels near the City's northern boundary and adding the property to the Central Beaverton Neighborhood Association Committee. The subject properties are identified as a portion of tax lots 1N134DC11600, 1N134DC11500, and 1N134DC02000.

**NAC:** The subject parcel is located adjacent to the boundary of the Central Beaverton Neighborhood Association Committee (NAC). The Neighborhood Office is recommending that staff include a provision in the ordinance to amend the NAC boundaries to include the parcel proposed for annexation.

**AREA:** The annexation areas is approximately 0.086 acres.

**TAXABLE ASSESSED VALUE:** \$ 7,160

**ASSESSOR'S REAL MARKET VALUE:** \$ 11,090

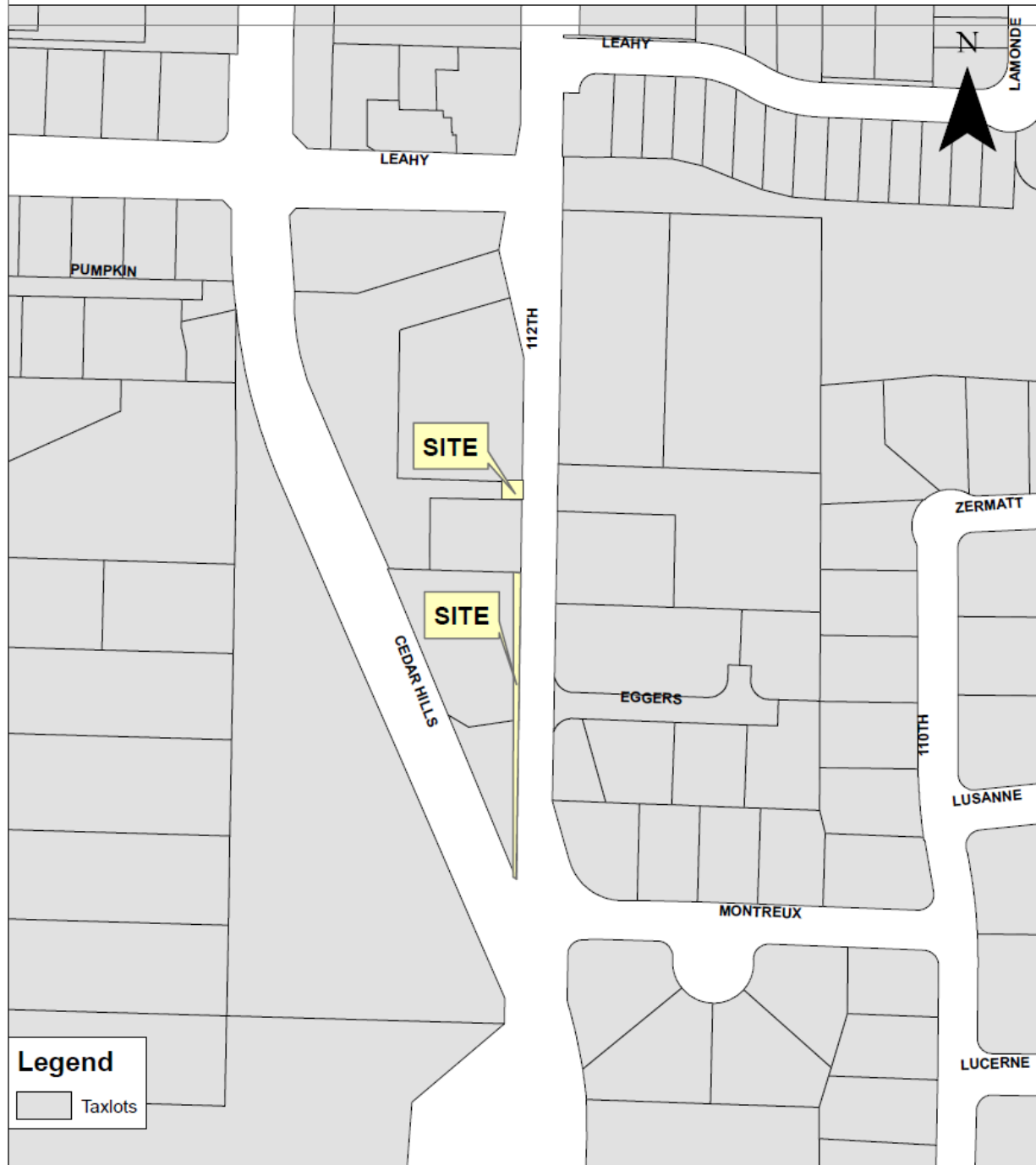
**NUMBER OF LOTS:** A portion of 3 lots

**EXISTING COUNTY ZONE:** The subject parcel is designated R5 by Washington County.


**RECOMMENDATION:** **Staff recommends the City Council adopt an ordinance annexing the referenced property, effective as of the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, or 30 days from date the ordinance is signed, whichever is later.**

# VICINITY MAP

# EXHIBIT "A"



## Legend

 Taxlots



215 NW 112th Annexation  
ANX2014-0008

Community Development Department  
Planning Division

02/19/2015

Map 1N1-34DC  
Tax Lot(s) 01600

The subject site is currently within unincorporated Washington County. This annexation proposes to annex strips of former right-of-way which were vacated by Washington County and added to adjacent properties that are located in the City. These remnant strips were part of the right-of-way of NW 112<sup>th</sup> Avenue that was vacated after the adjacent properties were annexed into the City of Beaverton. In 2001 the adjacent properties were annexed into the City of Beaverton, at approximately the same time right-of-way was being vacated. As the vacated rights-of-way were not part of the properties at the time of annexation they were not included in the 2001 annexation. The purpose of this annexation is to bring the vacated right-of-way portions of the sites into the City so the entirety of the tax lots have the same governing body, the City of Beaverton.

Upon annexation, the City of Beaverton will provide urban service to the vacated rights-of-way areas as the City currently provides services to the tax lots which are already within the City limits. The City will incur the costs associated with providing those services such as police, stormwater conveyance, and urban planning. Consent to annex on the part of the landowner allows this proposal to be processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045. Because the petitioners represent 100% of the ownership of the parcel and reside on the parcel, no public hearing is required.

The Beaverton-Washington County Urban Planning Area Agreement (UPAA) specifies that in cases where Washington County lands are annexed, application of City plan and zone designations reflect the most proximate zones to what is currently applied to the property. Specific City – County plan and zone designations are provided in Exhibit B of that agreement. Alternately, section 10.35.2.C of the Development Code allows for properties which are split zoned to be administratively changed to the zoning designation which accounts for the greater area of the lot if the distance of adjustment is 20 feet or less. In this case the properties are primarily zoned R7, except for the strips of right-of-way to be annexed with this proposal. As such the Director may adjust the zoning district line to include the newly annexed areas as they are less than 20 feet in width.

## EXISTING CONDITIONS

Map and Tax Lot	Site Address	Lot Size (acres)	Existing Land Use
1N134DC02000	Foege Park	0.80	THPRD Park
1N134DC11500	255 NW 112 <sup>th</sup> Avenue	0.33	Single Family Dwelling
1N134DC11600	215 NW 112 <sup>th</sup> Avenue	0.12	Vacant Single Family Lot

### SERVICE PROVISION:

Cooperative, urban service and intergovernmental agreements affecting provision of service to the subject property include the following:

- The City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Hills Park and Recreation District, and Clean Water Services.
- The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services.
- The City has been a party to a series of ORS Chapter 190 intergovernmental agreements “for Mutual Aid, Mutual Assistance, and Interagency Cooperation Among Law Enforcement Agencies Located in Washington County, Oregon”, the last of which was signed by then Beaverton Mayor Rob Drake on August 9, 2004. This agreement specifies the terms under which a law enforcement agency may provide assistance in response to an emergency situation outside its jurisdiction when requested by another law enforcement agency.

This action is consistent with those agreements.

The following details the various services available to the property to be annexed.

<b>POLICE:</b>	The property to be annexed is not part of the Enhanced Sheriff's Patrol District and receives primary police services from the City of Beaverton as the majority of the property is within the City. In practice, whichever law enforcement agency is able to respond first to an emergency does so in accordance with the mutual aid agreement described above.
<b>FIRE:</b>	Tualatin Valley Fire & Rescue (TVF&R) provides fire and ambulance service to the property. The City annexed its own fire services to TVF&R in 1995. TVF&R is designated as the long-term service provider to this area.
<b>SEWER:</b>	The parcels are currently served by the City of Beaverton, this annexation is only for a strip of former right-of-way which was not included in the annexation of the properties. Upon annexation the City will continue to serve the subject parcels.
<b>WATER:</b>	The subject parcel falls within the service area of the Tualatin Valley Water District. Subsequent to annexation, Tualatin Valley Water District will continue to provide service to the parcels.
<b>STORM WATER DRAINAGE:</b>	The parcels are currently served by the City of Beaverton, this annexation is only for a strip of former right-of-way which was not included in the annexation of the properties. Upon annexation the City will continue to serve the subject parcels.
<b>STREETS and ROADS:</b>	The property fronts NW 112 <sup>th</sup> Avenue, a Washington County Street, and is classified as a local street.

**PARKS and  
SCHOOLS:**

The proposed annexation is within the Beaverton School District (BSD). The sites are developed with a single family dwelling, a park and a vacant lot. The annexation does not change the number of dwellings on site; therefore, school enrollment will not be affected by the proposed annexation and no additional service demands will be imposed upon BSD. The proposed annexation is located within the Tualatin Hills Park and Recreation District (THPRD).

Subsequent to annexation, service district boundaries will remain unaffected. Future development of the parcels and that development's potential impacts will be subject to BSD review at the time of development proposal.

**PLANNING,  
ZONING and  
BUILDING:**

The City of Beaverton currently provides long-range planning, development review, and building inspection for the property. All future planning and zoning functions associated with the property will be performed by the City.

City plan and zone designations apply to the majority of the parcels, the annexation areas will be given the zoning of the adjacent properties per section 10.35.2.C of the Development Code.

## **CRITERIA FOR APPROVAL REGIONAL ANNEXATION CRITERIA**

In December 1998, the Metro Council adopted Metro Code Chapter 3.09 (Local Government Boundary Changes). This Chapter has since been amended through Ordinance 12-1276 (adopted July 11, 2012). Metro Code Sections 3.09.045 (c) and (d) include the following minimum criteria for expedited annexation decisions:

***3.09.045 (c) At least seven days prior to the date of decision the City or Metro shall make available to the public a report that includes the following information:***

***(1) The extent to which urban services are available to serve the affected territory, including any extra-territorial extensions of service;***

The proposal involves annexation of a portion of vacated right-of-way which is part of three parcels which area primarily within the City of Beaverton. As indicated in the previous section, adequate capacity exists in terms of water, sanitary sewer, stormwater and transportation facilities to service the property in its current use.

Other essential urban services are already provided to the primary portions of the parcel by the City and area special service districts. The remnant right-of-way portions being annexed will have the same service districts and City services as the portions of the parcel already within the City.

***(2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party;***

The portions of parcels being annexed are not part of the Enhanced Sheriff's Patrol District or the Urban Road Maintenance District and therefore do not have to be withdrawn as part of this annexation. The proposed annexation will not require withdrawal of territory from any other service districts identified as necessary parties.

***(3) The proposed effective date of the boundary change.***

The proposed annexation was prompted by a desire on the part of the property owner to receive only one tax bill for each tax lot they own, as their properties currently have different property tax rates for different portions of the site two tax bills are issued for each tax lot.

ORS 222.180 specifies that the date an approved annexation becomes effective is determined by the date the Secretary of State files the jurisdiction's decision with its office. ORS 222.180 also specifies that when annexation proceedings are initiated by a city, the city may specify a later effective date than that determined by the Secretary of State.

The City's annexation process requires that the proposed ordinance receive first and second readings on consecutive meeting dates. Additionally, Section 36 of the City's Charter specifies that City ordinances shall take effect thirty (30) days after their adoption by the Council and approval of the Mayor. Accordingly, the ordinance language for this proposal includes the following statement:

The property shown on Exhibit A, and more particularly described in Exhibit B, is hereby annexed to the City of Beaverton effective upon the date the ordinance is filed with the Secretary of State (as specified by ORS 222.180), or thirty (30) days from the date of adoption, whichever is later."

***FINDING: Having addressed the elements contained in Metro Code Section 3.09.045 (c) above, and as this staff report will be made available to the public on or before December 28, 2012, at least seven days prior to the date of decision, the proposal satisfies Metro Code Section 3.09.045 (c).***

***3.09.045 (d) To approve a boundary change through an expedited process, the city shall:***

***(1) Find that the change is consistent with expressly applicable provisions in:***

***(A) Any applicable urban service agreement adopted pursuant to ORS 195.065;***

The Service Provision section of this staff report addresses the provision of services in detail. Although discussion with other urban services providers on the content of an agreement have occurred sporadically over the last several years, and the City has proposed an agreement that is acceptable to most of the parties, the City has not yet entered into an urban services provider agreement under ORS 195.065 that relates to all potential urban service providers in and around the City. No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this proposed annexation.

***FINDING: Staff finds that where applicable, the proposed annexation is consistent with urban service agreements in place as demonstrated in the staff report and as such the proposal satisfies Metro Code Section 3.09.045 (d)(1)(A).***

***(B) Any applicable annexation plan adopted pursuant to ORS 195.205;***

As noted previously, the City has not yet entered into an urban services provider agreement under ORS 195.065 that relates to all potential urban service providers in and around the City. Because a comprehensive urban service agreement has not been completed, it is not possible to consider adoption of individual annexation plans as provided under ORS 195.205.

***FINDING: Due to the fact that a comprehensive urban service agreement has not been established as a basis for preparing City annexation plans, staff finds that provisions in Metro Code Section 3.09.045 (d)(1)(B) do not apply.***

***(C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party:***

As noted in the Urban Service Provision Section of this report, the City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Valley Water District, Tualatin Hills Park and Recreation District, and Clean Water Services. These agreements call for coordination of planning activities between each service district and the City, although annexations are not subject to coordination under the agreement language. However, as necessary parties, the subject districts have been notified of this proposed annexation.

***FINDING: Staff finds that the proposed annexation is not subject to existing cooperative agreements.***

***(D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;***

The City's public facilities plan consists of the Public Facilities and Services Element of the Comprehensive Plan, the Transportation Element of the Comprehensive Plan, the City's Capital Improvements Plan, and the most recent versions of master plans adopted

by providers of the following facilities and services in the City: storm water drainage, potable water, sewage conveyance and processing, schools, and transportation. Where a service is provided by a jurisdiction other than the City, by adopting the master plan for that jurisdiction as part of its public facilities plan, the City has essentially agreed to abide by any provisions of that master plan. Staff could not identify any relevant urban services as defined by Metro Code Section 3.09.020(l) that will change subsequent to this annexation. Staff could not identify any provisions in the Washington County Public Facilities Plan relevant to this proposed annexation.

***FINDING: Staff finds that the proposed annexation is consistent with applicable Public Facility Plans and therefore satisfies Metro Code Criterion 3.09.045 (d)(1)(D).***

***(E) Any applicable comprehensive plan;***

The only relevant policy of the City of Beaverton's Comprehensive Plan is Policy 5.3.1.d, which states "The City shall seek to eventually incorporate its entire Urban Services Area." The subject territory is within Beaverton's Assumed Urban Services Area, which is Figure V-1 of the City of Beaverton's Acknowledged Comprehensive Plan.

In reviewing the Washington County Comprehensive Framework Plan for the Urban Area on the County's web site (reflecting changes through County Ordinance No. 759) that amended the Comprehensive Framework Plan, staff finds that the following provisions may be applicable to this proposed annexation:

- A paragraph in the "County-Wide Development Concept" at the beginning of the Comprehensive Framework Plan which states:

"As development occurs in accordance with this development concept, issues of annexation or incorporation may arise. Annexation or incorporation issues will necessarily relate to various other planning issues such as community identity, fiscal impacts of growth and service provision, coordination between service providers to achieve efficiencies and ensure availability, etc. As such issues arise; the County should evaluate community identity as an issue of equal importance with public service provision issues when developing policy positions on specific annexation or incorporation proposals."

Staff views this statement as direction to the County itself in how to evaluate annexation proposals, and not guidance to the City regarding this specific proposal. As a necessary party, the County has an opportunity to comment on and appeal this proposed boundary change if they believe the boundary change is inconsistent with the approval criteria (see Metro Code Section 3.09).

- Policy 15 of the Comprehensive Framework Plan, relating to Roles and Responsibilities for Serving Growth, says:

"It is the policy of Washington County to work with service providers, including cities and special service districts, and Metro, to ensure that facilities and services required



for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.”

Two implementing strategies under Policy 15 that relate to annexation state:

“The County will:

- f. If appropriate in the future, enter into agreements with service providers which address one or more of the following:
  - 3. Service district or city annexation
- g. Not oppose proposed annexations to a city that are consistent with an urban service agreement or a voter approved annexation plan.”

The City of Beaverton, Washington County and the other urban service providers for the subject area worked off and on for several years to arrive at an urban service area agreement for the Beaverton area pursuant to ORS 195.065 that would be consistent with Policy 15 and the cited implementing strategies. Unfortunately, although most issues were resolved, a few issues remained between the County and the City that prevented completion of the agreement. These issues do not relate to who provides services or whether they can be provided when needed in an efficient and cost effective manner. As previously noted, the County and the City have entered into an intergovernmental agreement that sets an interim urban services plan area in which the County commits to not oppose annexations by the City.

#### **Cedar Hills / Cedar Mill Community Plan**

Staff has reviewed other elements of the County Comprehensive Plan and has determined that the subject site is not designated as an area of special concern by the Cedar Hills / Cedar Mill Community Plan.

The Beaverton-Washington County Urban Planning Area Agreement (UPAA) specifies that in cases where Washington County lands are annexed, application of City plan and zone designations reflect the most proximate zones to what is currently applied to the property. Specific City – County plan and zone designations are provided in Exhibit B of that agreement. Alternately, section 10.35.2.C of the Development Code allows for properties which are split zoned to be administratively changed to the zoning designation which accounts for the greater area of the lot if the distance of adjustment is 20 feet or less. In this case the properties are primarily zoned R7, except for the strips of right-of-way to be annexed with this proposal. As such the Director may adjust the zoning district line to include the newly annexed areas as they are less than 20 feet in width.

***FINDING: Staff finds that the proposed annexation is consistent with applicable provisions contained in the City of Beaverton’s Comprehensive Plan, Washington County’s Framework Plan and the Cedar Hills, Cedar Mill Community Plan. The proposed amendment therefore satisfies Metro Code Criterion 3.09.045 (d)(1)(E).***

***(2) Consider whether the boundary change would:***

***(A) Promote the timely, orderly and economic provision of public facilities and services;***

The existing conditions section of this staff report contains information addressing this criterion in detail. As indicated, changes that affect public facility and service provisions to individual properties are generally subject to agreements between the City of Beaverton, Washington County, and special districts. These agreements address which urban service provider will assume responsibilities for service in the event of a boundary change. By entering into these agreements and through the adoption of planning documents the City and its service district partners have attempted to ensure that the provision of services subsequent to the proposed boundary change will be timely, orderly, and economically viable.

***FINDING: Staff finds that for the reasons indicated above, changes in service provision occurring subsequent to the proposed boundary change have been adequately anticipated and planned for. The proposed amendment therefore satisfies Metro Code Criterion 3.09.045 (d)(2)(A).***

***(B) Affect the quality and quantity of urban services;***

The existing conditions section of this staff report contains information addressing this criterion in detail. As indicated, responsibilities pertaining to the provision of public facilities and services will either remain unchanged or transfer to the City. In general, because cities provide services on an urban scale, they can provide services at a level equal or higher than provided in unincorporated areas. Accordingly, the City is generally regarded as offering a level of service to properties that annex from unincorporated County that is equal or higher than what was previously received. Annexation to the City of Beaverton will therefore benefit the quality and quantity of urban services transferred to the City.

***FINDING: The proposed annexation will generally have a beneficial effect on the quality and quantity of urban service. Criterion 3.09.045(d)(2)(B) has been met.***

***(C) Eliminate or avoid unnecessary duplication of facilities or services.***

The intent of the intergovernmental agreements described in the Existing Conditions Section of this report is to clarify which agency bears responsibility for the provision of urban services in specific areas of the City and in circumstances of a jurisdictional boundary transfer. These agreements therefore fulfill the role of eliminating duplication of services where jurisdictional responsibilities may be unclear. The issue of duplication has therefore been addressed and resolved through these agreements.

***FINDING: As the proposed annexation is subject to the terms established by established service agreements between the City and its special district service providers, provisions have been made to avoid unnecessary duplication of***

***facilities or services involving the subject parcel. Criterion 3.09.045(d)(2)(C) has been met.***

## **CONCLUSION**

***Based on the facts and findings in this report, staff concludes that approval of the owner initiated annexation of portions of Tax Lots # 2000, 11500, and 11600 of Assessors Map 1N134DC, meets all pertinent criteria outlined in Metro Section 3.09.045.***